

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK JACKSON,)	
)	Civil Action
Plaintiff)	No. 11-cv-06194
)	
vs.)	
)	
THE DOW CHEMICAL COMPANY;)	
ROHM AND HAAS COMPANY;)	
ROHM AND HAAS COMPANY BENEFITS)	
ADMINISTRATIVE COMMITTEE (BAC);)	
LIBERTY MUTUAL INSURANCE COMPANY;)	
RAJ L. GUPTA;)	
PIERRE R. BRONDEAU;)	
JAQUES M. CROISETTIER;)	
ROBERT A. LONERGAN, ESQUIRE;)	
ELLEN FRIEDELLE, ESQUIRE;)	
ROYCE WARRICK, ESQUIRE;)	
JANE GREENETZ;)	
DEANNA MAY;)	
CYNTHIA MAZER;)	
RICHARD P. QUINLAN, ESQUIRE;)	
SEAN B. McSWEENEY, ESQUIRE;)	
MICHAEL MILLER, ESQUIRE;)	
NANCY MAYO;)	
LORI HAMLIN; and)	
JOHN DOE NOS. 1-15,)	
)	
Defendants)	

O R D E R

NOW, this 28th day of September, 2012, upon consideration of the following documents:

- (1) Certain Defendants' Motion to Dismiss¹ filed on January 28, 2011 in United States District Court for the District of Delaware in case number 10-cv-00938² (D.Del. Document 47), together with,

¹ Certain Defendants' Motion to Dismiss was filed on behalf of defendants The Dow Chemical Company; Rohm and Haas Company; Raj L. Gupta; Pierre R. Brondeau; Jacques M. Croisettiere; Robert A. Lonergan, Esquire; Ellen Friedelle, Esquire; Royce Warrick, Esquire; Jane Greenetz; Deanna May; and Cynthia Mazer. I refer to this group of defendants as the "Rohm and Haas defendants".

² This matter was initially filed in United States District Court for the District of Delaware as case number 10-cv-00938. I refer to documents

Certain Defendants' Memorandum of Law in Support of Their Motion to Dismiss (D.Del. Document 48);

- (2) Defendant Jacques Croisetiere's Motion to Dismiss filed on January 28, 2011 (D.Del. Document 49), together with,
 - (A) Declaration of Jacques Croisetiere in Support of Defendant Jacques Croisetiere's Motion to Dismiss (D.Del. Document 50); and
 - (B) Defendant Jacques Croisetiere's Memorandum of Law in Support of His Motion to Dismiss (D.Del. Document 52);
- (3) Motion of Defendants Liberty Mutual Insurance Company, Lori Hamlin, Nancy May, Richard P. Quinlan, Sean B. McSweeney and Michael Miller³ to Dismiss Plaintiff's Complaint, which motion was filed on January 28, 2011 (D.Del. Document 51), together with,
 - (A) Memorandum of Law in Support of Motion of Defendants Liberty Mutual Insurance Company, Lori Hamlin, Nancy May, Richard P. Quinlan, Sean B. McSweeney and Michael Miller to Dismiss Plaintiff's Complaint (D.Del. Document 53);
- (4) Plaintiff's Motion for Leave to File a Surreply to the Liberty Mutual Defendants' Motion to Dismiss, which motion for leave was filed on March 7, 2011 (D.Del. Document 63), together with,
 - (A) Memorandum of Law in Support of Plaintiff's Surreply to the Liberty Mutual Defendants' Motion to Dismiss (D.Del. Document No. 64);

(Continuation of footnote 2):

filed in the District of Delaware as "(D.Del. Document __)".

The case was subsequently transferred to the United States District Court for the Eastern District of Pennsylvania as case number 11-cv-06194 and assigned to me. I refer to documents filed in the Eastern District of Pennsylvania as "(E.D.Pa. Document __)".

³ I refer to this group of defendants as the "Liberty Mutual defendants".

- (5) Plaintiff's Motion for Leave to File a Surreply to the Dow/Rohm and Haas Defendants' Reply in Support of Their Motion to Dismiss the Complaint, which motion for leave was filed on March 9, 2011 (D.Del. Document 65), together with,
 - (A) Memorandum of Law in Support of Plaintiff's Motion for Leave to File a Surreply to the Dow/Rohm and Haas Defendants' Reply in Support of Their Motion to Dismiss the Complaint (D.Del. Document 65);
- (6) Plaintiff's Motion for Leave to File a Surreply to Defendant Jacques M. Croisetiere's Reply in Support [of] His Motion to Dismiss, which motion for leave was filed on March 9, 2011 (D.Del. Document 66), together with,
 - (A) Memorandum of Law in Support of Plaintiff's Motion for Leave to File a Surreply to Defendant Jacques M. Croisetiere's Reply in Support of His Motion to Dismiss (D.Del. Document 66);
- (7) Plaintiff's Objections to the Order of October 25, 2011 by the Hon. M. Faith Angell, which objections were filed in this court on October 27, 2011 (E.D.Pa. Document No. 20);
- (8) Plaintiff's Request for Entry of Default Against the Rohm and Haas Company Benefits Administrative Committee (BAC) filed in this court on March 22, 2012 (E.D.Pa. Document No. 28);
- (9) Plaintiff's Motion to Remove the Stay of This Proceeding, which motion was filed in this court on May 31, 2012 (E.D.Pa. Document 29),
- (10) Motion for Leave to File Reply Memorandum in Support of Plaintiff's Motion to Remove the Stay of this Proceeding, which motion for leave was filed in this court on June 21, 2012 (E.D.Pa. Document 34); and
- (11) Complaint filed by plaintiff on November 2, 2010 (D.Del. Document 1);

upon consideration of the briefs of the parties; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Plaintiff's Motion for Leave to File a Surreply to the Liberty Mutual Defendants' Motion to Dismiss is granted.⁴

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File a Surreply to the Dow/Rohm and Haas Defendants' Reply in Support of Their Motion to Dismiss the Complaint is granted.⁵

IT IS FURTHER ORDERED that Certain Defendants' Motion to Dismiss is granted.

IT IS FURTHER ORDERED that the Motion of Defendants Liberty Mutual Insurance Company, Lori Hamlin, Nancy May, Richard P. Quinlan, Sean B. McSweeney and Michael Miller to Dismiss Plaintiff's Complaint is granted.

IT IS FURTHER ORDERED that Plaintiff's Complaint filed on November 2, 2010 in the District of Delaware is dismissed as to all defendants.⁶

IT IS FURTHER ORDERED that Defendant Jacques Croisetiere's Motion to Dismiss is dismissed as moot.

⁴ In granting plaintiff's motion for leave to file a reply brief, I have considered plaintiff's Memorandum of Law in Support of Plaintiff's Surreply to the Liberty Mutual Defendants' Motion to Dismiss in conjunction with adjudicating the Liberty Mutual defendants' motion to dismiss.

⁵ In granting plaintiff's motion for leave to file a reply brief, I have considered the Memorandum of Law in Support of Plaintiff's Motion for Leave to File a Surreply to the Dow/Rohm and Haas Defendants' Reply in Support of Their Motion to Dismiss the Complaint in conjunction with adjudicating the Rohm and Haas defendants' motion to dismiss.

⁶ On January 28, 2011 defendant Jacques Croisetiere joined the Certain Defendants' Motion to Dismiss. See Joinder of Jaques M. Croisetiere in Certain Defendants' Motion to Dismiss (E.D.Pa. Document 12).

For the reasons expressed in the accompanying Opinion, plaintiff's claims against all defendants are dismissed, including plaintiff's claims against defendant Rohm and Haas Company Benefits Administrative Committee (BAC) and against defendants John Doe Nos. 1-15.

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File a Surreply to Defendant Jacques M. Croisetiere's Reply in Support [of] His Motion to Dismiss is dismissed as moot.

IT IS FURTHER ORDERED that Plaintiff's Objections to the Order of October 25, 2011 by the Hon. M. Faith Angell are dismissed as moot.

IT IS FURTHER ORDERED that Plaintiff's Request for Entry of Default Against the Rohm and Haas Company Benefits Administrative Committee (BAC) is dismissed as moot.

IT IS FURTHER ORDERED that Plaintiff's Motion to Remove the Stay of This Proceeding is dismissed as moot.

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File Reply Memorandum in Support of Plaintiff's Motion to Remove the Stay of this Proceeding is dismissed as moot.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge